

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Morris Lamont Mack,)	C/A No. 5:06-170-CMC
)	Cr. No. 5:00-94
Petitioner,)	
)	
-versus-)	OPINION and ORDER
)	
United States of America,)	
)	
Respondent.)	
)	

Petitioner is a *pro se* federal inmate who seeks relief pursuant to 28 U.S.C. § 2255.

This petition is successive in nature. Petitioner filed a previous § 2255 petition in 2002. Summary judgment was granted to Respondent September 11, 2002. *See Mack v. United States*, D.S.C. Civil Action No. 5:02-1838-CMC. Petitioner's failure to seek permission to file a second or successive petition in the Fourth Circuit Court of Appeals prior to the filing of the petition in the district court is fatal to the outcome of any action on the petition in this court. The Anti-Terrorism and Effective Death Penalty Act (AEDPA) of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (1996), placed specific restrictions on second or successive motions under 28 U.S.C. § 2255. Prior to filing a second or successive petition under § 2255, Petitioner must obtain certification by a panel of the Fourth Circuit Court of Appeals allowing him to file a second or successive petition. As provided in 28 U.S.C. § 2244, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). This he has not done.¹

¹The court notes that in July, 2004, Petitioner did file a motion in the Fourth Circuit Court of Appeals to file a successive petition. That motion was denied by order filed August 9, 2004. *See*

IT IS THEREFORE ORDERED that this petition is dismissed as this court is without jurisdiction to consider it.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
January 18, 2006

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In re: Mack, 04-193 (4th Cir. Aug. 9, 2004) (denying Petitioner's request to file a successive petition). This court does not know whether Petitioner seeks to file the same petition he did in 2004, or whether the petition before this court is different.